

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

GREGORY DEAN SHIDELER AND
TERRIE HOLSCHER,

Plaintiffs,

v.

BRIAN GOOTKIN, ROBERT WAYNE
HARRIS, LORI HESS, KENNETH
ALLEN HESS, BRYDEN BUHMANN,
MARK HATTENDORF, KAYLEIGH
HARRIS MAGUIRE, SEAN MAGUIRE,
ALEX GEISLER, GENE O'TAYLOR III,
JAMES FOX, ZACH BROWN for
GALLATIN COUNTY, MONTANA,
PAUL PJ JOHNSON, et al., BEST RATE
TOWING AND REPAIR, INC., and DOES
I-25,

Defendants.

CV-23-39-BU-BMM

ORDER

INTRODUCTION

Gregory Dean Shideler (“Shideler”) and Terrie Holscher (“Holscher”) (collectively “Plaintiffs”) filed an amended complaint in this action on August 25, 2023. (Doc. 7) Defendants Robert Wayne Harris, Sean R. Maguire, Kayleigh (Harris) Maguire, Kenneth Allen Hess, Lori Hess Gene O’Taylor, and Mark Hattendorf (collectively “Privity Defendants”) filed an answer and motion to dismiss

on September 11, 2023. (Doc. 11.) Defendants Brian Gootkin, Bryden Buhmann, Alex Geiseler, and Zach Brown (collectively “Gootkin et al.”) filed a motion to dismiss or in the alternative motion for a more definite statement of claims on September 15, 2023. (Doc. 25.) Defendants Paul PJ Johnson and Best Rate Towing and Repair Inc. (“collectively “Best Rate Towing”) filed a motion to dismiss for failure to state a claim on September 18, 2023. (Doc. 27.) Kenneth Allen Hess and Lori Hess (collectively “Hess”) filed a motion to dismiss for failure to state a claim on September 21, 2023. (Doc. 29.)

Plaintiffs requested an extension of time to file a response to the motions. (*See* Doc. 31.) The Court extended Plaintiffs’ time for filing a response to the motions until October 31, 2023. (Doc. 32.) Plaintiffs failed to file a response to any of the outstanding motions. The Court conducted a motions hearing on November 2, 2023, in Butte, Montana. (Doc. 34.) Plaintiffs failed to attend the November 2, 2023, motions hearing. Plaintiffs filed a motion for dismissal without prejudice on November 2, 2023. (Doc. 35.)

Plaintiffs failed to file a response to any of Defendants’ motions. Plaintiffs failed to do so after the Court granted Plaintiffs an extension of time to file response by October 31, 2023. (*See* Doc. 32.) Pursuant to Local Rule 7.1(d)(1)(B)(ii), Plaintiffs’ failure to file responses is deemed an admission that the motions are well-taken.

ORDER

Accordingly, **IT IS ORDERED:**

1. Privity Defendant's Motion to Dismiss (Doc. 11) is **GRANTED**.
2. Gootkin et al.'s Motion to Dismiss or in the Alternative Motion for a More Definite Statement of Claims (Doc. 25) is **GRANTED**.
3. Best Rate Towing's motion to dismiss for failure to state a claim (Doc. 27) is **GRANTED**.
4. Hess's motion to dismiss for failure to state a claim (Doc. 29) is **GRANTED**.
5. Plaintiffs' claims are dismissed without prejudice.
6. Plaintiffs motion for dismissal without prejudice (Doc. 35) is **DENIED** as moot.
7. The Clerk shall enter judgment in favor of all defendants.

DATED this 6th day of November, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court